

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

DELBERT MCNEIL,)	
)	
Petitioner,)	
)	
vs.)	NO. CIV-07-1415-HE
)	
BRUCE HOWARD, WARDEN,)	
)	
Respondent.)	

ORDER

Petitioner Delbert McNeil, a prisoner appearing *pro se*, filed a motion for leave to proceed *in forma pauperis* (“*ifp*”). Consistent with 28 U.S.C. §636(b)(1)(B), the matter was referred to Magistrate Judge Doyle W. Argo, who recommended that the petitioner’s motion for leave to proceed *ifp* be denied and that he be ordered to prepay the full \$5 filing fee. The Magistrate Judge further recommended that, unless the petitioner pays the full filing fee within twenty days of the date of an order adopting the Report and Recommendation, the action be dismissed without prejudice.


The petitioner failed to object to the Report and Recommendation and thus waived his right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). *See* 28 U.S.C. § 636(b)(1)(C); LCvR72.1(a). The court has also considered the merits of the motion and substantially concurs with the Magistrate Judge’s conclusion.

Accordingly, the court **ADOPTS** the Report and Recommendation [Doc.# 7], **DENIES** the petitioner’s motion for leave to proceed *ifp* [Doc. # 3], and **ORDERS** the

petitioner to pay the entire \$5 filing fee to the Clerk of Court within **twenty (20) days** of the date of this order or this action will be deemed dismissed without prejudice.

IT IS SO ORDERED.

Dated this 11th day of January, 2008.



JOE HEATON
UNITED STATES DISTRICT JUDGE